

REMARKS

Responsive to the preliminary determination of lack of unity set forth in the Official Action mailed on May 20, 2004, applicants hereby provisionally elect Group I, the use of compounds which inhibit the activation of NF- κ B, wherein said compound is SEQ ID NO 2, with traverse.

In the outstanding Official Action, claims 1-4 and 6-7 were identified as being directed to Group I. However, in the interest of advancing prosecution, claims 1-4 and 6-7 have been canceled. New claims 13-21 have been added and recite the subject matter of claims 1-4 and 6-7. Claims 13-21 have been drafted so that they reflect preferred United States patent practice. As a result, applicants believe that claims 13-21 reflect the subject matter of Group I, identified in the Official action.

Responsive to the further requirement for an election of species set forth in the first full paragraph on page 3 of the Official Action, applicants provisionally elect anthracyclines. Applicants believe that the elected species reads on claims 13-21.

The grounds for traverse are as follows.

The same subject matter that is recited in the claims of the present national stage application was subject to examination during the international phase of the PCT application. The international Examiner found no lack of unity, applying the same legal standard to similar facts. As a result, applicants believe that the U.S. Patent Office cannot now contend that examination of the pending claims in the present

application imposes an undue searching burden, especially since the U.S. Examiner has had the considerable benefit of the search results generated by the international Examiner, on the basis of the same subject matter.

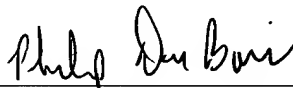
Indeed, applicants respectfully submit that any search for art relevant to Group I, would reveal all prior art relevant to any of Groups II-IV, and vice versa.

Thus, in light of the above discussion, applicants believe that they are entitled to an action on the merits of all of the claims, in their full scope, pending in the present application. Such action is accordingly respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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